

DRAFT
Minutes of the Regular Public Art Commission Meeting
Wednesday, January 9, 2008
Conference Room 360, City Hall

CONVENE: 7:05 p.m.

1. ROLL CALL: Chair Huston, Vice-Chair Lee, and Commissioner Wolfe
Commissioner Rosenberg arrived at 7:12

STAFF PRESENT: Jon Biggs, Planning Services Manager; Tony Ebster, Recording Secretary

MINUTES: None

2. ORAL COMMUNICATION: None

3. REGULAR AGENDA:

- 3-A. Discussion of request to City Council

Mr. Jeff Cambra thanked the commission for all the work they have done. He said that Arts Alameda is prepared to draft the public arts grants program criteria, but wanted to give everyone a chance to express their opinions.

Ms. Huston thanked Mr. Cambra for his comments. She then read her letter to City Council.

Ms. Lee read her letter to City Council. Her concerns are "mission creep", they are being asked to manage a different program. She feels they are not qualified to give out grants and she is uncomfortable giving money to friends and neighbors and is concerned with conflict of interest. They are not in a position to put in extra time; they are an advisory committee, not a research and grant generating committee. They are not clear on their mission.

Ms. Huston added that since the grants issue came up, she became more alert to conflicts. She referenced the September minutes and that they are supposed to come up with ideas and give them to the planning department. She never intended to work under management of the planning department without pay and grew uncomfortable as materials arrived that increasingly pressured her to answer to the planning department. She mentioned the draft of a subcommittee report that was prevented from being presented to the Commission. She feels that a lot of their work has been subverted. They had reservations regarding the grants program and managing the creation of a new program in which planning controls.

Mr. Biggs asked about the agenda topic to clarify how the letters related.

Ms. Huston responded by saying that the letters are requests to City Council and refers to the commission having little understanding of their authority. She asked if it was appropriate to do the grants program. She counted on the planning department when they asked if it was appropriate and when Ms. Woodbury said they must, she was acting in her role as advisor to the commission. Ms. Huston feels that Ms. Woodbury was exerting a personal desire or a

departmental imperative, something that was important to her. It prevented the commission from engaging in the appropriate discussion, which is this appropriate for this commission, is the money appropriate based on the ordinance they are serving.

Ms. Rosenberg said that if the answer is no and it doesn't follow the guidelines, then it is up to City Council to create a proper grants committee or a set of guidelines. She said that they need guidance from Council to assure that there is enough direction.

Mr. Wolfe stated that the mission of the commission is to advise City Council. He moved that their understanding of their mission is that the grants authoring is outside the scope of the public art commission.

Ms. Huston added that the use of the PAC funds for grants is in violation of the ordinance. She restated the movement that the Cultural Arts Grants are outside the scope of the Commission and that the use of the funds for these grants is in violation of the uses outlined by the ordinance.

Ms. Rosenberg seconded the motion. All were in favor.

Ms. Rosenberg said that they would like to continue as an advisory commission and suggested that the City create a separate grants commission.

Ms. Huston replied by saying that She would have been willing to pursue the concern of the grants had there not been such a confusion of authority between the commission and staff. If there was a desire to craft a program, they would have been willing to do it.

Ms. Rosenberg said that they are there to serve the public and feels that it dishonors what a public commission does and feels that it disrespects their time.

Ms. Huston thinks the big issue was not being able to bring a draft to the commission, to be prevented from doing that made it clear that it wasn't their project.

Ms. Lee wanted to remind everyone that the commission is there for public art, art in public places, not art for the public.

Ms. Huston brought up another topic, which was the public art project. She feels that it isn't thriving. She is confused about their role and feels that it places them between the planning department and City Council. If they don't get applications, they have no business. In four and a half years, they have only had five applicants. Two walked away never to be heard from again. They are finding a way around the commission. The commission has no control over what comes to their table. She wanted Council to know that something is not working. She is concerned with the low number of applicants. She also mentioned Bridgeside.

Mr. Wolfe mentioned the developments such as the rental complex on the west end. He was concerned that they have never heard from the applicant.

Ms. Huston mentioned the list she requested and how the commission never heard from three of the applicants. They are publicly stating that they have no control.

Mr. Wolfe feels that it is up to the planning department to track the permits and make sure they are fulfilling their requirements.

Mr. Biggs clarified that most projects are operating under a temporary certificate of occupancy and must fulfill all conditions of approval to obtain their final certificate.

Mr. Wolfe mentioned South Shore and commended them for being forthcoming in terms of providing art but they still don't see any recognition of it being public art. There are no medallions or plaques, therefore they are not in compliance.

Mr. Biggs recognized that the commission brought up the topic that some projects have not fulfilled their art requirements but wasn't exactly sure which ones they were.

Ms. Huston replied by saying that if they have asked the planning department, Mayor and City Council, then at some point it isn't the commission's responsibility anymore.

Mr. Wolfe said that if developers don't get the final certificate of occupancy in a timely manner, the banks don't like it very much; they have a financial obligation to comply.

Ms. Huston wants to get everything argumentative off the table and feels that this issue has been a thorn in the side of the Commission. She feels that they don't have the resources to respond.

Mr. Wolfe recognized the rotation of staff in the planning department. He feels that there is a loss of information.

Ms. Huston wanted to publicly declare that the commission is not responsible for who applies and their job is limited to creating guidelines, receiving, reviewing, accepting, and/or rejecting the applications. Everything else is someone else's responsibility. She feels that there is an impression that the commission is falling down on the job and isn't sure what else to do.

Ms. Lee brought up the problem of supervising to make sure projects don't fall through the cracks and wondered who's job it was to make sure it doesn't happen.

Mr. Biggs replied by saying that it is the job of the planning department. He understands from background discussions that Bridgeside is operating under a temporary certificate of occupancy. He mentioned the resolution approved by the commission and thought that was where the discrepancy in the documentation had occurred. He suggested that the commission provide some history on the discussions of Bridgeside.

3-B. Review of Public Art at Bridgeside Commercial Development

Ms. Rosenberg recalled that there was supposed to be a stage setting, which was an auditorium-like setup where the landscape would come in, in a way that was concave not convex. She feels that the space is not appropriate to be a theater site. The physicality is not correct and feels that it is completely underused due to the landscaping. Also, the programming is not sufficient and that there is a lack of notification of the programming.

Ms. Lee mentioned the evaluation that was supposed to be done which had not been submitted.

Ms. Huston had the programming in her hand and said that it is not sufficient. She mentioned two aspects of the property. One, which was approved by the commission, was to build an amphitheater in a public setting but the result was not an amphitheater. It was also supposed to

be wired for sound and lighting as well as landscaped to provide seating for audiences. She said that it is not an amphitheater and does not allow for proper seating of audience. The programming was also not sufficient. The applicant proposed four events per year and the commission said that was inadequate. She mentioned some of the suggestions from the commission and the resolution was accepted as amended, but they were never detailed. The request for the amended resolution was never provided. The second part was a requirement to put out a sign and there was supposed to be a property manager to allow access to the performance space. She called the number and was given a runaround. Not having the phone number is non-compliance. The number of performances, the diversity and the advertising are all inadequate.

Ms. Rosenberg suggested that they re-look at the ordinance pertaining to performance spaces and how it's worded.

Mr. Wolfe's recollection of the meeting was a discussion regarding the grading of the performance space. He asked if there are any as-built records of how it was built.

Ms. Rosenberg said that however you look at it, it wasn't built to the specifications that the commission approved.

Mr. Wolfe said that it may or may not be how it is supposed to be because there is no way to tell from the record.

Ms. Huston said that the elevations on the drawings are different from what was actually built. She mentioned the stage and that its not a stage and is flush with the grass.

Mr. Wolfe said that it is mounded in the center and is not graded according to the plans.

Ms. Huston asked what they want to do about it. They have two choices. One is to make the applicant renegotiate their requirement, hash out a new project or force them to fulfill the existing project.

Ms. Rosenberg thinks it is in the best interest to hash out a new project because there are other areas of the shopping center that would be much better for public events. Or they could provide some visual art.

Ms. Huston mentioned that the property has a new owner. She welcomed Debra Owen.

Ms. Debra Owen had some notes regarding what was agreed upon or expected and her recollection was that there was to be lighting, seating, and electricity. There were no public restrooms but the retailers would make accommodations. Her impression was that it would be amenable to some literary arts programming. She says that it is not amenable to that type of programming. Her opinion is that what was expected was not fulfilled. Had the facilities been provided, they would have participated. It was also her understanding that the Bridgeside organization was going to participate in the marketing and advertising of the performances. She said in order for the Frank Bette Center to be interested in developing programming, there needs to be seating, lighting, electricity, and a sense of support and encouragement.

Ms. Huston thanked Ms. Owen's for her comments. She asked her about interaction and when it failed.

Ms. Owen spoke with the property manager and asked if there was lighting and electricity. She was surprised by what it ended up being and decided to move on since it wasn't accommodating. She said that what is there doesn't motivate the Frank Bette Center to participate.

Ms. Rosenberg asked if they did any advertising such as banners or newspaper ads. She said that despite the fact that Ms. Owen had no expectation, the commission did have expectations and they were not fulfilled. She said that after reviewing, she isn't sure that it can be what it is supposed to be and wants Bridgeside to come back and submit another project.

Mr. Biggs responded by saying that it was his understanding that the amphitheater was constructed as approved. He also said that the tapes requested were not available.

Ms. Huston said that the letter that was requested that the information be documented so they could have an enforceable contract.

Mr. Biggs said that since it was all new to him, the information that was presented specifically the minutes doesn't talk about the specifics of the programming.

Ms. Huston asked about the tapes from the meeting where the conditions were discussed.

Mr. Biggs said that he was told that there were no tapes of the meetings. He had minutes from the two meetings where Bridgeside was discussed.

Ms. Huston said that they are in non-compliance due to the fact that they failed on diversity, the phone number to call doesn't work, and it doesn't comply with their drawings.

Ms. Lee said that this brings up a serious issue regarding taping the meetings.

Ms. Rosenberg said that it is the responsibility of the commissioners to speak clearly into the microphones to get good recordings for proper documentation of meetings.

Ms. Huston claimed that from the very moment that the application was approved and amended without the details, they were destined for this day. The commission knew that the planning department had approved an application that the commission had rejected. They have been chasing it down ever since and have been subverted at every turn. They were snowed, duped, and played.

Ms. Rosenberg said that if there is nothing the commission can do there is no need to continue talking about it. But if there is some way to make them comply, it should be done.

Mr. Biggs said that they could look for records providing proof that programming was provided. Staff has been in contact with Bridgeside to make sure that it has advertised that the amphitheater is available for performances.

Mr. Wolfe said that because of what is out there, it is not useable as a performance space.

Ms. Rosenberg said that it is asking them to do something they can't do. She asked what they can do.

Mr. Biggs asked if the drawings were the same as the ones provided at the hearings.

Ms. Huston read the resolution PAC-06-02 for Bridgeside. If planning has not received the schedule, they are in non-compliance.

Mr. Biggs said that it was relayed to him that they had not complied with the advertising condition as required.

Mr. Wolfe pointed out that the sign was hidden out of view.

Ms. Huston was ok with the sign. She moved to find them in non-compliance pending research to find out if the Planning Director has received the programming schedule and to find out if they can find them in non-compliance for the shape of the space.

Ms. Rosenberg asked if they could suggest that they move their performance space closer to Nob Hill. She feels it is a much better site.

Mr. Biggs stated that due to the process, they couldn't because of the channels that the project had to travel through.

Ms. Rosenberg seconded Ms. Huston's motion to find Bridgeside in non-compliance. All were in favor. She would like to amend the ordinance pertaining to performance spaces if they cannot properly enforce it. She feels that it is a weak spot in the ordinance.

Ms. Huston welcomed Mr. Biggs as the new agenda maker and requested that there be an agenda item reviewing the viability of performance based art and spaces in the public art ordinance.

Mr. Wolfe suggested amending the motion to change the wording regarding the shape of the space. He thinks it should address the ground form and grading.

Ms. Huston suggested phrasing it very specifically. She would say that they have found the Bridgeside project in non-compliance on several points. One of them is a failure to fulfill the programming requirement both in number of performances, in submission of schedules, and in diversity of performances and advertising and that the physical space is incompatible both with the plans submitted and the use of the space. They would need further research to see if in fact the usability of the space in relation to lights, electricity, and audio equipment further create a non-compliance. They are ok with changing it if need be.

Ms. Rosenberg said that they should have to go back and look at the space and make it viable for appropriate programming.

Mr. Biggs said that if it is found to be that size or general grading, it wouldn't allow an opportunity to go back and have them rework the space.

Ms. Lee remembered that Bridgeside wanted the process to happen quickly and acknowledged the commission's mistake in expediting their application.

Mr. Biggs recommended that if during the initial hearing there are changes that need to be made, they don't approve the plans unless the applicant is there and notes the changes.

Ms. Huston said that it is the responsibility of staff to enforce the changes on applications.

5. STAFF COMMUNICATIONS:

Mr. Jon Biggs introduced himself and said he looks forward to working with the commission.

Ms. Huston said that over the last six months, there has been difficulty getting the agenda as requested and one of the things that are left off is commissioner comments and wants them put back on for every agenda. She also mentioned the wording of the items and wants them left as the commissioners named them.

6. ADJOURNMENT: The meeting adjourned at 8:20 pm.

Respectfully submitted,


Jon Biggs, Secretary
Public Art Commission